

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Kelly E. O'Brien
Respondent

Civil Citation No. 74436
4101 Hupa Place

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 6, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 12-3-106; 13-7-309, failure to keep exterior grounds (yard) free from dog feces on residential property zoned DR 10.5 known as 4101 Hupa Place, 21133.

On March 18, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205. Review of the file shows that a Citation for the same violation was issued on May 27, 2009, and the civil penalty was rescinded by the Hearing Officer after Respondent testified the violations would be corrected and not recur.

B. Notes in the file by Inspector Paul Cohen state that inspection on March 18, 2010 found numerous piles of old and new dog feces scattered in Respondent's yard. Photographs in the file show multiple piles of dog feces. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondent must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

C. Re-inspection on April 6, 2010 found the violation corrected. However, this Citation will be enforced because the evidence clearly shows the code violation recurred despite the enforcement action that was taken in 2009.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty shall be imposed and placed as a lien upon the property.

ORDERED this 13th day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer